IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 31580 of 2007(H)

PETITIONER:

SAJEENA.A., W/O.MOHAMMED ANZAR,
VARAMBEL THEKKATHIL,
MARUTHOORKULANGARA SOUTH,
KARUNAGAPPALLY, KOLLAM DISTRICT.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS:

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1. KERALA PUBLIC SERVICE COMMISSION,
   REPRESENTED BY ITS SECRETARY,
   PATTOM, THIRUVANANTHAPURAM.

2. THE DISTRICT OFFICER,
   KERALA PUBLIC SERVICE COMMISSION,
   DISTRICT OFFICE, KOLLAM.

3. STATE OF KERALA, REPRESENTED BY THE
   CHIEF SECRETARY TO THE GOVT.,
   GOVT. SECRETARIAT,
   THIRUVANANTHAPURAM.

R1 & R2 BY SRI.ALEXANDER THOMAS - STANDING COUNSEL
R3 BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.31580 of 2007 H

Dated this the 30th day of October, 2007.

JUDGMENT

The petitioner applied to the post of Lower Division Typist in various departments of the Government, pursuant to Ext.P2 notification issued by the Public Service Commission. The qualification prescribed is as follows:

> **"1. Pass in S.S.L.C or a qualification equivalent thereto.**
> **2. Lower Grade Certificate in Malayalam Typewriting (KGTE).**
> **3. Lower Grade Certificate in English Typewriting (KGTE) or equivalent qualification and Computer Word Processing or equivalent (G.O.(P)No.19/04/P & ARD dt. 8.12.2004).**
>
> **Note: Persons who have acquired Typewriting Certificate in KGTE Exam before January 2002 shall produce a certificate in computer word processing or equivalent qualification."**

2. The dispute is only whether the petitioner possesses a certificate showing that she has undergone a course in Computer Word Processing or equivalent qualification, as mentioned in the Government Order dated 8.12.2004. Ext.P5 is the Government Order which was

issued on 9.5.2005 in supersession of the Government Order dated 8.12.2004, that is referred to in the writ petition. A reference to the notification issued shows that one of the prescribed qualification is Lower Grade Certificate in English and Malayalam Typewriting (KGTE) and Certificate in Computer Word Processing or its equivalent. It is also noted therein that those who have passed KGTE before January 2002 shall produce a certificate in computer word processing or equivalent qualification. The petitioner has not passed the KGTE examination subsequent to 2002. The petitioner does not hold a Lower Grade Certificate in Typewriting (KGTE) and computer word processing or its equivalent. The petitioner contends that she holds a diploma in Commercial Practice which she is said to have acquired in 1996, evidenced by Ext.P1. According to her, the Diploma in Commercial Practice, a three year course, which led to Ext.P1 involves considerable application of computers and therefore, the same may be directed to be treated as equivalent. This contention, on the strength of Diploma in Commercial Practice arising from a course conducted by

the State Board of Technical Education, Government of Kerala, was considered in the context of the notification issued by the Public Service Commission for the post of Confidential Assistant Grade II in W.P.(C)No.27992/07 and connected cases and this court held that the Diploma Holders in Commercial Practice who had acquired diploma in the pre 1997 syllabus cannot be considered as possessing the requisite qualification of KGTE (Lower) in Typewriting English with computer word processing. This was in the context of referring to a subsequent order issued by the Government on 16.9.2006, whereby the Government had exempted diploma holders in commercial Practice in 1997 revised syllabus from separately acquiring a qualification in computer word processing.

3. Learned counsel for the petitioner then contended that in Ext.P5 order the Government should have included diploma in Commercial Practice also as requisite qualification for the post of L.D Typist. In my view, it is up to the Government to prescribe the qualification for a post in Government service and if

power is given, it is open to the Public Service Commission to declare any qualification as equivalent. Even if it is assumed that it would be appropriate to include Diploma in Commercial Practice also as sufficient qualification in Ext.P5 notification, it obviously cannot help the petitioner, inasmuch as, that even if a direction is issued, it can only be one to the Government to consider inclusion of the Diploma in Commercial Practice also as sufficient qualification. Any such direction necessarily should be prospective. This will not enable the petitioner to become qualified on the last date of receipt of the application, which in the present case is 15.2.2006.

For all these reasons, I find no merit in the writ petition. It is accordingly dismissed.

Sd/-

(V.GIRI)

JUDGE

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P.S. To Judge